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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/749,480

12/31/2003

Francesco Gardin

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EXAMINER

HAMMOND III, THOMAS M

ART UNIT

PAPER NUMBER

3695

MAIL DATE

DELIVERY MODE

10/15/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/749,480	<b>Applicant(s)</b> GARDIN, FRANCESCO	
	<b>Examiner</b> THOMAS M. HAMMOND III	<b>Art Unit</b> 3695	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

*Status of Claims*

1. This action is in reply to the Applicant's response filed on 13 June 2008.
2. Claims 2 and 7 have been cancelled.
3. Claims 1, 3-4, and 6 have been amended.
4. Claims 1 and 3-6 are currently pending and have been examined.

***Response to Arguments***

5. With regard to claim 1, the Applicant argues that Small does not disclose the newly amended features of the invention. The Examiner respectfully disagrees and encourages the Applicant to review the newly formed rejection, in light of the amendments. Indeed, Small clearly discloses a network of ATMs configured to allow for betting at the end of a financial transaction. In at least column 7, lines 1-24, Small shows the capability of generating a user indicia (partial unique code 67) and integrating it with a transaction number (code 70) to form a final code (final unique code 67") to be fed to the random prize number generator, which selects a winner based on betting criteria set forth by the system. As such, claim 1 remains rejected over Small, as shown below.

6. With regard to claims 3-6, the Applicant has not presented any rebuttal of the rejections. As such, claims 3-6 remain rejected over Small, as shown below.

***Previous Claim Rejections - 35 USC § 112***

7. Claims 1-4 and 7 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. With regard to claims 1-2, 4, and 7, the Examiner appreciates the Applicant's prompt attention to these deficiencies and hereby withdraws such rejections.

9. With regard to claim 3, the Applicant now recites the amended limitations, "the user's secret code" and "the bank transaction number". There remains no antecedent basis for these limitations, rendering the scope of the claim indeterminate. For the purposes of examination, the Examiner will interpret these limitations as a user's PIN number and transaction number, respectively.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless –*

*(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

11. Claims 1 and 3-6 are rejected under 35 U.S.C. 102(b) as being anticipated by *Small, US Patent No 4,815,741*.

**As per claim 1**

***Small teaches:***

- A central processing unit, a plurality of electronic terminals in which a user can carry out a bank transaction connected to said central processing unit through a communication channel (see at least column 2, lines 58-67)
- A betting processing unit connected to such a central processing unit, comprising a betting program (see at least column 3, lines 47-67; column 4, lines 1-55)
- Generating a partial unique code starting from some data relative to a user and some data relative to a bank operation that said user is carrying out (see at least column 7, lines 1-24)
- Generating a code only at the moment when said user decides that to make a bet at the end of the carrying out of said bank operation, said code being integrated with said partial unique code to form an integrated partial unique code which is formed into a permutation of such integrated partial unique code to form a final unique code (see at least column 7, lines 1-24)
- Feeding said final unique code to a randomizing generator, the output of which is used by a betting procedure, which determines winning, or not, of the user, according to betting criteria (see at least column 9, lines 1-13)

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**As per claims 3-5**

*Small teaches the system of claim 1, as described above.*

*Small further teaches:*

- Wherein said data relative to said user comprises the user's secret code and the bank transaction number (see at least column 3, lines 47-67; column 4, lines 1-55)
- Wherein said data relative to the bank operation comprises the time of the bank operation, the date of the bank operation, the type of operation, and the time passed from the start or from other steps of the operation (see at least column 3, lines 47-67; column 4, lines 1-55)
- Wherein said betting processing unit comprises a memory (51) in which there is a database for memorizing all of the bets made on each terminal (3) of the bank network (see at least column 3, lines 28-35)

**As per claim 6**

Claim 6 encompasses substantially the same scope as claims 1 and 3-5. Accordingly, claim 6 is rejected in substantially the same manner as claims 1 and 3-5, as described above.

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*Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Hammond III whose telephone number is 571-270-1829. The examiner can normally be reached on Monday - Thursday, 7AM - 5PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thomas M Hammond III  
Patent Examiner, Art Unit 3695  
US Patent & Trademark Office  
05 October 2008

/Hani M. Kazimi/  
Primary Examiner, Art Unit 3691



